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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,275	02/06/2004	Aleksey Vladimirovich Afanasiev	115/3-CIP	4450

7590

09/29/2006

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EXAMINER

KOVALICK, VINCENT E

ART UNIT PAPER NUMBER

2629

DATE MAILED: 09/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/772,275	AFANASIEV, ALEKSEY VLADIMIROVICH	
	<b>Examiner</b>	<b>Art Unit</b>	
	Vincent E. Kovalick	2629	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/22/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This Office Action is in response to Applicant's Patent Application, Serial No. 10/772,275, with a File Date of February 6, 2004.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4-10 and 12-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Levy (USP 5,612,690).

Relative to claims 1, 10 and 19, Levy **teaches** a compact keypad system and method (col. 2, lines 26-67 and col. 3, lines 1-42); Levy further **teaches** a compact telephone (input device of an electronic transmission apparatus) having a keyboard comprising keys adapted to input numerals from "0" to "9", wherein a key adapted to input a numeral is also adapted to input an alphabetical character, the keyboard is adapted to input remaining alphabetical characters by a combination stroke of more than one keys (col. 1, lines 11-21; col. 4, lines 48-67 and Figs. 1 and 7b), the keyboard surface comprises areas on which the user's finger shall be placed when stroking a key of combination of keys (col. 4, lines 57-63 and Fig. 1), wherein each of these keyboard surface areas corresponds to at least one character to be inputted (col. 4, lines 577-63 and Fig. 1), and the keyboard has such a layout and configuration that the arrangement of said

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keyboard surface area corresponds topologically to the arrangement of character keys of QWARTY keyboard. (col. 5, lines 67-67 and Fig. 9).

The difference between the teachings of the prior art (Levy) and that of the instant invention is that wherein the instant invention teaches a “mobile telephone”; Levy teaches a “cellular telephone” (col. 1, lines 16-18) and a “compact telephone keypad” (col. 4, line 49); though it is well known to one of ordinary skill in the art that cellular phones are mobile telephones as recited in the claims of the instant invention; however the difference in the language that describes the format of the telephone is different in the instant invention and the identified prior art.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the teachings of the prior art (Levy) satisfy the limitations of claims 1, 10 and 19 of the instant invention.

Regarding claims 4 and 12, Levy further **teaches** the mobile telephone wherein the keys are sized and configured in such a way that the user can stroke four adjacent keys with one finger (col. 4, lines 48-67; col. 5, lines 57-61 and Fig. 1).

Relative to claims 5 and 13, Levy further **teaches** the mobile telephone wherein the keyboard surface comprises areas on which the user's finger shall be placed when stroking a key or combination of keys, wherein each of these keyboard surface areas corresponds to at least one character to be inputted. (col. 4, lines 57-63 and Fig. 1).

As to claims 6 and 14, Levy further **teaches** the mobile telephone wherein each said area is marked with its corresponding character (Fig. 7b).

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Relative to claim 7 and 15, Levy further **teaches** the mobile telephone wherein the keyboard has such a layout that a plurality of combination strokes in which one common key is used, inputs a corresponding plurality characters situated in the alphabet one after another (Fig. 7b).

Regarding claims 8 and 17, Levy further **teaches** the mobile telephone wherein the keyboard has such a layout and configuration that the arrangement of said keyboard surface areas corresponds topologically to the arrangement of character keys of QWERTY keyboard (col. 5, lines 65-67 and Fig. 9).

Regarding claims 9 and 18, Levy further **teaches** the mobile telephone wherein the keyboard has such a layout and configuration that the arrangement of said keyboard surface areas is the same as the arrangement of character keys of QWERTY keyboard (col. 5, lines 65-67 and Fig. 9).

As to claim 16, Levy further **teaches** the mobile telephone wherein said keyboard surface areas are arranged in the alphabetical order (Fig. 7a). It being understood the Fig 7a shows the keyboard surface area arranged in alphabetical order with the exception of two final letters "Y and Z"

4. Claims 2-3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levy as applied to claim 1 and 10 respectively in item 3 hereinabove, and further in view of Lapeyre (USP 4,891,777).

Regarding claims 2-3 and 11 Levy **does not specifically teach** the input device wherein the keys are sized and configured in such a way that the user can stroke two adjacent keys or three adjacent keys with one finger.

Lapeyre **teaches** a single hand keyboard arrays providing alphanumeric capabilities from twelve keys (col. 2, lines 18-68); Lapeyre further **teaches** the input device wherein the keys are

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sized and configured in such a way that the user can stroke two adjacent keys or three adjacent keys with one finger (Abstract).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to provide th the device as taught by Levy the feature as taught by Lapeyre in order to provide the capability to utilize two or three keys being stroked simultaneously to increase the number of character that can be initiated.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S Patent No.	5,790,103	Willner
U. S. Patent No.	4,994,992	Lapeyre
U. S. Patent No.	4,400,593	Kunz
Pub. No.	US 2001/0048378	Horie


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***To Respond***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent E. Kovalick whose telephone number is 571-272-7669. The examiner can normally be reached on Monday-Thursday 7:30- 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Vincent E. Kovalick  
September 25, 2006

  
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